

REMARKS

The Examiner has rejected claims 1-4, 6-10, 12-23, 26-39 and 41-49 under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Liu (U.S. Patent no. 5,953,005). In addition, claims 5 and 11 stand rejected over Liu in view of the Examiner's Official Notice. Claims 24 and 25 stand rejected over Liu in view of Cahill et al. (U.S. no. 6,574,377). Finally, claim 40 stands rejected over Lui in view of Ferrel et al. (U.S. Patent no. 6,199,082). Applicant traverses the rejections and requests that the Examiner reconsider in light of the following comments. For the following reasons, Applicant requests that the Examiner allow the claims.

A. Claim Objections

Claim 26 has been amended to remove the typographical error which duplicated the letter "a".

B. Rejection under 35 U.S.C. § 102(e)

It is well established that a claim is anticipated under 35 U.S.C. § 102 only if the identical invention is shown in the cited reference in as complete detail as defined by the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). As the following will demonstrate, the claims contain subject matter not disclosed or taught in the prior art.

(1) Independent Method Claim 1 (1-30)

Relying on the disclosure of Lui, the Examiner has rejected the invention defined by claim 1.¹ Lui discloses Karaoke devices configured to download music from a database server when the Karaoke device requests the music and the

request is authenticated. In Lui's system, any Karaoke terminal can utilize any song file from the vendor's system if they pay for it. Lui, col. 2, lines 17-22; col. 5, lines 13-17. In fact, in the Lui system access to all song files is offered to all clients. Lui does not teach the method employed by the Applicant's invention. In Applicant's system, a unique music storage scheme is utilized. Music files are transferred to the server where they are stored in portions of the server's storage particularly associated with authentication information for a user. Due to this storage scheme, the user can have access to its own audio files particularly associated with the user's authentication information but not other users who have different authentication information associated with accessing different audio files. This is different from the system of Lui which is not disclosed as storing the audio files in its database associated with a particular user's authentication information. There, unlike the current invention, any user from a terminal can be authenticated and access any music files in the Lui music database.

Thus, Applicant's invention defines a method including the steps of:

(a) receiving at a central location electronic files representing audio signals from a first device, the electronic files each having a filename,

(b) *associating the audio files with authentication identification information of a user,*

(c) *storing said audio files at said central location on at least a portion of a storage media, said portion uniquely associated with said authentication identification information,*

'Applicant has amended claim 1 for readability purposes only to more clearly claim the patentable subject matter previously defined.

(d) receiving at said central location said authentication identification information from a second device,

(e) transmitting said audio files to said second device upon receipt of said authentication identification information.

This method is not disclosed or taught by the system of Lui. Moreover, to the extent that Lui teaches providing an unassociated storage scheme offering and permitting access to any audio file on the database server by any authenticated Karaoke client, the reference teaches away from the Applicant's invention. As such, Applicant's claimed invention is novel and non-obvious over the Lui prior art. Thus, Applicant submits that the Examiner's rejection should be withdrawn.

(2) Independent System Claim 31 (31-41)

The system invention of independent claim 31 also defines a unique music file storing scheme that differs from the Lui system. In this regard, claim 31 defines that the transmitting system has data identifying a plurality of users but it has stored audio files being uniquely associated with the identity of a single user or device. Again, this invention with all of the claimed limitations is the antithesis of that which is disclosed of the system of Lui. The Lui Karaoke file database server does not so uniquely associate its stored audio files. To the contrary, as previously discussed, it provides all authenticated users with access to all stored song files. In this sense the stored files are not associated with a single user or device. To the contrary, they are not associated with any user since any user can be offered access to all of the files. Applicant respectfully submits that the Examiner has not set forth a *prima facie* case of anticipation. Therefore, the rejection should be withdrawn and claims 31 and dependent claims 31 to 41 should be allowed.

(3) Independent Method Claim 42 (42-49)

The rejection of claims 42 to 49 should also be withdrawn. Independent claim 42 defines a method distinct from the method of Lui. For example, claim 42 defines "uniquely associating a portion of the storage space on a server with a user or device, the storage space to store song files each having a filename; associating said portion with a first user authentication identifier; receiving said first user authentication identifier; receiving a song file representative of a song; and storing said song file with a filename in the portion of said storage space associated with said first user authentication identifier". This method is different from the method disclosed by the system Lui. As previously described, the music file database server of Lui is not disclosed as storing its audio files associated with user authentication as claimed in claim 42.

Conclusion

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. Furthermore, while Applicant additionally disagrees with the Examiner's reading and reliance on the prior art references and public notice for the remaining limitations of the claims for additional reasons, the absence of a *prima facie* case as discussed herein renders a more detailed discussion of the reasons unnecessary at this time.

If for any reason the Examiner does not believe that allowance can be given at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

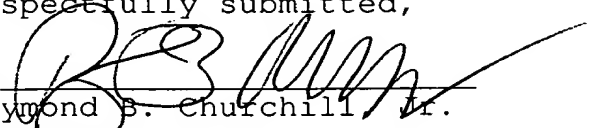
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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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